

A

In re Application of:  
Per Bjorndahl

\_\_\_\_\_ Continuation )  
 \_\_\_\_\_ Divisional ) application filed under 37 CFR 1.53  
 \_\_\_\_\_ )  
X Continuation-In-Part )

Serial No.: 09/022,289  
Filed: February 11, 1998  
Prior Examiner: Unknown  
Prior Group: 2733

**Box Application  
To The Assistant Commissioner  
for Patents  
Washington, D.C. 20231**

"EXPRESS MAIL" Mailing Label No. EL063369769US  
Date of Deposit: January 15, 1999  
I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231  
Type or Print Name: Carol Marsteller

Signature Carol Marsteller

1. **Attached** is a specification including:

- |              |  |          |                 |     |     |
|--------------|--|----------|-----------------|-----|-----|
| <u>  X  </u> | Abstract   |          |                 |     |     |
| <u>  X  </u> | Specification, claims and attachments (36 pages) <b>(must be attached)</b> |          |                 |     |     |
| <u>  X  </u> | Drawings 3 sheets (Formal) Figures 1-4                                     |          |                 |     |     |
|              | Formal of size   | 8½ x 11" | <u>  X  </u> A4 | 13" | 14" |

1A. Always X one box, only:

- X 1a. Newly executed oath or declaration (original or copy) of 3 pages.  
 \_\_\_\_\_ 1b. A signed declaration or oath as originally filed in prior application attached.  
 Number of pages \_\_\_\_\_

- \_\_\_\_\_ a. This application is filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application:

1. \_\_\_\_\_ 2. \_\_\_\_\_  
 3. \_\_\_\_\_ 4. \_\_\_\_\_

- X 1c. Incorporation by reference:  
 The entire disclosure of the prior application, from which a copy of the oath or declaration is being supplied under Box 1b is considered as being a part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

- \_\_\_\_\_ 1d. A declaration is not being supplied at this time. A declaration will be executed in due course and forwarded in accordance with 37 CFR 1.53(b) and 37 CFR 1.53(f).

- \_\_\_\_\_ 2. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A third copy of this letter is attached for filing in the prior application file.

- \_\_\_\_\_ 3. Priority is claimed under 35 U.S.C. 119/365 based on filing in \_\_\_\_\_ (country) of

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) _____	_____	(4) _____	_____
(2) _____	_____	(5) _____	_____
(3) _____	_____	(6) _____	_____

- \_\_\_\_\_ a. \_\_\_\_\_ (No.) Certified copy/copies attached.  
 \_\_\_\_\_ b. Certified copy/copies previously filed on \_\_\_\_\_ in U.S. Application No. \_\_\_\_\_, filed on \_\_\_\_\_.  
 \_\_\_\_\_ c. Certified copy/copies filed during International stage of PCT/\_\_\_\_\_.  
 \_\_\_\_\_ d. Priority is also claimed from PCT/\_\_\_\_\_ filed \_\_\_\_\_.

- ☒ 4. Prior application is assigned to Telefonaktiebolaget L M Ericsson by means of an Assignment recorded on May 12, 1998 at Reel 9161, Frame 0319.
- ☐ 5. Attached is an Assignment and Cover Sheet. Please return the recorded Assignment to the undersigned.  
(NOTE: add assignment filing fee below.)
- ☒ 6. The power of attorney in the prior application is to at least:  
The address of whom is in item 8.

☐ THOMAS E. ANDERSON Reg. No. 37,063  
☐ JEFFERY E. BACON Reg. No. 35,055  
☐ MICHAEL J. BALCONI-LAMICA Reg. No. 34,291  
☐ THOMAS L. CANTRELL Reg. No. 20,849  
☒ THOMAS L. CRISMAN Reg. No. 24,846  
☐ STUART D. DWORK Reg. No. 31,103  
☐ H. MATHEWS GARLAND Reg. No. 19,129  
☒ J. KEVIN GRAY Reg. No. 37,141  
☐ STEVEN R. GREENFIELD Reg. No. 38,166  
☐ KEVIN R. HANSBRO Reg. No. 38,485  
☐ J. PAT HEPTIG Reg. No. 40,643  
☐ CRAIG A. HOERSTEN Reg. No. 38,917  
☐ JOHN R. KIRK JR. Reg. No. 24,477  
☐ PETER J. MANSO Reg. No. 32,264  
☒ ROGER L. MAXWELL Reg. No. 31,855  
☐ ROBERT A. McFALL Reg. No. 28,968  
☐ LISA H. MEYERHOFF Reg. No. 36,869  
☒ STANLEY R. MOORE Reg. No. 26,958  
☐ RICHARD J. MOURA Reg. No. 34,883  
☐ MARK V. MULLER Reg. No. 37,509  
☐ P. WESTON MUSSELMAN JR. Reg. No. 31,644  
☐ RICHARD A. MYSLIWIEC Reg. No. 40,098  
☐ KEITH W. SAUNDERS Reg. No. 41,462  
☐ JERRY R. SELINGER Reg. No. 26,582  
☐ SCOTT STAHL Reg. No. 33,795  
☐ RICHARD J. STOKEY Reg. No. 40,383  
☒ ANDRE M. SZUWALSKI Reg. No. 35,701  
☐ ALAN R. THIELE Reg. No. 30,694  
☐ WILLIAM J. TUCKER Reg. No. 41,356  
☐ CHARLES PATRICK TURLEY Reg. No. 35,723  
☐ TAMSEN VALOIR Reg. No. 41,417  
☒ RAYMOND VAN DYKE Reg. No. 34,746  
☒ BRIAN D. WALKER Reg. No. 37,751  
☒ GERALD T. WELCH Reg. No. 30,332

Other: \_\_\_\_\_

- \_\_\_\_ 7.a. Recognize \_\_\_\_\_, Reg. No. \_\_\_\_\_ as having associate power of attorney.  
(Name and Reg. No.; Address as in item 8 unless otherwise indicated)
- \_\_\_\_ 7.b. \_\_\_\_\_ Reg. No. \_\_\_\_\_ was recognized as associate power of attorney in the parent application.
- \_\_\_\_ 7.c. Since a power does not appear in the original papers, a copy of the power in the prior application is attached.

8. Address all future communications to:

Raymond Van Dyke, Esq.  
Jenkins & Gilchrist, P.C.  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202

- X   9. Amend the specification by inserting before the first line of the application the sentence: -- This application is a \_\_\_\_\_ continuation \_\_\_\_\_ division   X   continuation-in-part of Application No. 09/022,289, filed February 11, 1998.--

- \_\_\_\_ 10. \_\_\_\_\_ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27  
\_\_\_\_ have been filed in above prior application (and is still be beleived to be proper and desired)  
\_\_\_\_ are attached hereto.

- X   11. **PETITION to extend the life** of the above prior application to at least the date hereof.

(One box must be X'd)

\_\_\_\_ is being concurrently filed in that prior application.

\_\_\_\_ was previously filed in that prior application (Check length of prior extension).

  X   is not necessary for copendency (**Double check** before X'ing this box).

- X   12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing newly cited documents not cited by Applicant or the PTO in the parent application(s) relied upon under 35 U.S.C. 120 and referenced above. Per Rule 98(d) copies of those documents are not required now. Please fully consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

- \_\_\_\_ 13. Attached is a Rule 103(a) Petition to Suspend Action.
- \_\_\_\_ 14. The following Filing Fee calculation is based on the claims filed.

**NOTE:** If box 1D is X'd, do not pay any fees at this time

				SMALL ENTITY RATE		LARGE ENTITY RATE		
BASIC FEE	<u>Design</u> Appln.			\$155	<u>OR</u>	\$310	=	\$ ____
BASIC FEE	<u>Utility</u> Appln.			\$380	<u>OR</u>	\$760	=	\$ <u>760.00</u>
	NUMBER FILED		NUMBER EXTRA					
TOTAL CLAIMS	<u>35</u>	-20	=	<u>15</u> (at least 0)	x 9	<u>OR</u>	x 18	= + \$ <u>270.00</u>
INDEP. CLAIMS	<u>3</u>	-3	=	____ (at least 0)	x 39	<u>OR</u>	x 78	= + \$ <u>0</u>
If any <u>proper</u> multiple dependent claim (ignore improper) is present				+ \$130	<u>OR</u>	+ \$260	=	+ \$ ____
If assignment is x'ed (Item 5)..... add recording fee (\$40.00)								+ \$ ____
If "petition" Item 11 above is X'd .....add petition fee (\$130.00)								+ \$ ____
<b>TOTAL FILING FEE</b> =								<b>\$ <u>1,030.00</u></b>

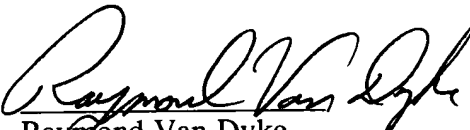
- X 15. ATTACHED: (other)  
acknowledgment postcard
- X 16. A check in the amount of \$ 1,030.00 to cover the TOTAL FEE is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447.
- \_\_\_\_ 17. Please charge Jenkins & Gilchrist's Deposit Account No. 10-0447 in the amount of \$ \_\_\_\_ to cover the TOTAL FEE. This sheet is attached in duplicate.

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and might be required to make any response or reply timely or may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, OR credit any overpayment to our Deposit Account No. 10-0447, for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

Respectfully submitted,

JENKENS & GILCHRIST, P.C.

By:   
Raymond Van Dyke  
Registration No. 34, 746

Dated: January 15, 1999

JENKENS & GILCHRIST, P.C.  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202  
Tel: 214/855-4708  
Fax: 214/855-4300

**NOTE:** File this Request in duplicate with a return postcard and attachments or in triplicate if item 3 is marked.

6650-250USP1